

EDWARD P. SINNI, JR.
21-4 Concord Greene
Concord, MA. 01742

August 31, 2020

Town of Concord
c/o Greg Higgins NRC
c/o Kristen Ferguson and Burton Flint, Planning Board Chairs
c/o Elizabeth Akehurst-Moore, ZBA Chair
c/o Tim Alexander, West Concord Advisory Committee Chair
141 Keyes Road
Concord, MA. 01742

Dear NRC, Planning Board, West Concord Advisory Committee and ZBA Membership,

We request an immediate pause to the Town's consideration of the proposal at 1134 Main Street for a Chase Bank for at least three (3) months for the reasons to follow.

Recently submitted documentation (Color Flood Storage Exhibits submitted July 22, 2020 etc) by the proponent for the redevelopment of 1134 Main Street in Concord was not placed on the Town's web site for the public to review and was received subsequent to the required date for submission in order for the proponent to participate in the July 22, 2020 meeting. That deprived residents the fair opportunity to prepare and respond and then input to the NRC in a timely fashion prior to the last NRC meeting dated July 22, 2020. As a result this process must be paused indefinitely as detailed below.

Delia Kaye, per an email exchange on July 22, 2020 with the proponent, implores that proponent, CoreStates, examine the recent resident entries on the Town's web site. She says, "Thanks Alan. Please note the following: (item) 3. Please review our website for additional public comment submitted on the project: <https://concordma.gov/2254/Current-Meeting-Documents>. Thanks and we will see you tonight." Never once has a resident during this review process been engaged like that unsolicited; never once. As a matter of fact, information requests many times trickle out to residents without urgency. That causes us to ask, is this process we are engaged in, a series of open public hearings for public comment and input as has been the case historically on such projects or just a rubber stamp? This project must be slowed down in order that residents (and the NRC and the Town staff) have their fair chance to review the data and comment.

Going on, to this day the detailed impervious data requested by residents on July 2, 2020 is still missing; and what was initially presented has been calculated to indicate the impervious surface at the site as proposed vs. the existing condition in the Riverfront zone impervious was proposed to be increased by 125 sq ft. It was not until residents challenged the calculation was anything substantive accomplished. This cannot stand and be approved by the NRC, the Planning Board or the ZBA. The wetlands resource in our

Town and the Commonwealth is finite and is clearly protected by statute. This impervious surface confusion cannot be approved.

Additionally, there is a new question as to whether the impervious/pervious analysis submitted August 21, 2020 for the existing vs proposed conditions accounts for the removal of donated land for the Baker Ave Boat Launch? It is unclear therefore how the impervious square footage changed for the proposed and existing condition. This may be an oversight and needs the Boards examination independently. Those calculations should be provided and reflected as part of the detail requested in the July 2, 2020 letter Items 1, 2 and 3 i.e. "awnings, pole light bases, walkways etc". Failure to do so may leave the question of impervious vs pervious surface accuracy unaddressed and therefore still in violation of the Wetlands Act.

Further and more specifically, this impervious data analysis has yet to be verified by any entity (i.e. Town staff, Town residents or independent engineering organizations etc) as best we can determine and the details requested in our letter dated July 2, 2020 as indicated earlier have not been provided to enable that verification. **We are still waiting.** The proponent cannot be allowed to just state its data conforms to the definition of impervious etc. The detailed calculations must be provided as requested and then independently verified given all the confusion. This is all necessary and our right to have as the proponent does not seem to have a clear understanding of the Wetlands Act as Delia Kaye subtly details in an email dated August 6, 2020.

The thoughtful requests made in the our letter dated July 2, 2020 to the boards are residents' attempts in part to accurately adhere to both the written and spirit of the Wetlands Act environment as we do not see that happening to date here. There have been too many changes to what the proponent has presented to ignore this request. For example, FIRST, in the original Stormwater Management Report impervious surface decrease was detailed without supporting evidence as "approximately 300 sq. ft." reduction in impervious without diagrams or calculations; on the Preliminary Site Plan it is detailed at 65 sq. ft (13,380 sq ft existing minus 13,315 sq ft proposed) creating more confusion.

SECOND, in an email on August 6, 2020 Delia Kaye indicates to the proponent that "The WPA Regulations allow up to 5,000 SF of RFA alteration, or 10% alteration of the existing onsite RFA. The existing alteration exceeds both these thresholds. Therefore, the proposed alteration cannot be more than the existing alteration, so the plans will need to be revised to accomplish no net increase, or a decrease, in impervious surfaces within the RFA". How were those plans revised? It is unclear and therefore a point of confusion.

THIRD, Delia Kaye further points out in her August 6, 2020 email that "The table (on sheets C4 and C5) indicates that there is an increase of 105 SF of impervious surface (confusion again), presumably sitewide, while the Stormwater Report notes a sitewide decrease in impervious surface. Please clarify this discrepancy. Please also clarify why the existing and proposed TOTALS differ between Sheets C-4 and C-5." Here again, we are presented with yet more confusion.

FOURTH, on August 21, 2020 the proponent details in his submission that the impervious has yet again changed per its revision to the "Wetlands Buffer Plan Sheet" dated August 21, 2020 (and still without the requested detail of the July 2, 2020 letter) in two (2) tables as follows: Total Impervious Coverage Change on Proposed Lot 3790-1 provides 13,495 sq ft existing vs 13,215 sq ft proposed for a net change of -280 sq ft without explanation; and in the Riparian Zone Impervious Coverage Change on Proposed Lot 3790-1 provides 8,232 sq ft existing vs 8,105 sq ft proposed for a net change of -127 sq ft without detail again. That introduces even more confusion as the proponent does not detail how those changes were accomplished.

FIFTH, Delia Kaye indicates in her August 6, 2020 email to the proponent: "provide the square footage of existing and proposed impervious surface within the Riverfront Area and 100-year floodplain. Provided." However she goes on, "the table provided notes an increase of 125 SF in the outer RFA (from 8,178 SF to 8,303 SF). Additionally, the RFA alteration on the NOI Form is 9,675 SF, with 0 SF new alteration. Please clarify the discrepancy, and provide an updated Page 3 of the NOI Form. On this updated form, please also include the CF and SF for the floodplain fill and compensatory storage." We have not found that clarification to all the discrepancies as requested and so requested documentation is missing. More confusion introduced with late submissions.

SIXTH, on page 7 of 19 dated July 30, 2020 the proposed impervious is noted at 13,485 sq ft and the pervious at 3103 sq ft for a total of 16,483 sq ft. On page 6 of 19 the existing impervious is noted at 13,380 sq ft and the pervious at 3135 sq ft totaling 16,620 sq ft. and in this case the impervious is increasing by 105 sq ft and the total square footages do not match? What is this about? Again we have inexplicable confusion.

And that makes six (6) iterations without any detail as requested in the letter dated July, 2, 2020 to the NRC et al. It is impossible therefore to determine how these numbers are changing and how to verify them independently and that is required information for the NRC to obtain. We note that as a result the proponent has not met the request of Delia Kaye by the required August 21, 2020 date and therefore must be removed for the September 2, 2020 NRC meeting agenda and delayed so all parties can have a chance to properly examine the proposal.

Please also note that on the Wetlands Buffer Plan page it is formally noted that "the approximate area of the flood plain on the parcel is 21,750 sq ft". How does one do precision calculations with an approximation? This approximation may have been used in the calculations of impervious and pervious, existing vs proposed, and presented to the NRC all of which are therefore now suspect at best. We believe that many data presented in the proposal are approximations and may be inaccurate and as such should be disqualified as input. The note, and all proposed figures, need more precise data, given we are talking about the highly regulated and protected Town's and Commonwealth's Wetlands. As a result, these approximations are unacceptable and introduce even more confusion by this proposal.

If the proponent can detail answers to the questions and confusion presented herein to the satisfaction of the Town, its' NRC, PB, ZBA and its residents then it should do so. It is necessary. However, right now there is a "no confidence" vote on the table.

We also note that CAD files were provided as per the proponent and as requested per Delia Kaye's email. That is, she notes, CAD files were "Not provided, with the acceptable explanation that is, because nearly the entire site is within the floodplain, the storage will be accomplished through grade changes, as well as sitting the new building on the higher ground of the site. Please provide the actual CAD plans, not a pdf, so that we can accurately confirm the volume and area takeoffs."

As a result, the Town can easily take on the burden of confirming the requirements in Delia Kaye's email. The NRC should therefore task the town Engineering Department to review this requested information and certify its accuracy under the laws of the Commonwealth. It is also not an unreasonable request to have the NRC further task the Engineering Department to also review the impervious areas for accuracy and to also ascertain the specific reasons for the proponent's sudden and inexplicable impervious improvement to be enumerated in square footage by line item existing vs proposed also under the law. Nothing can be assumed here; the details as requested by residents on July 2, 2020 are required. Why does the proponent resist? That is not clear to anyone.

Given the issues noted in Delia Kaye's email of August 6, 2020 as follows: paragraph Item 4 as well as with the Item 5 ("Provide the existing and proposed impervious surface area within the 100-foot Buffer Zone. Not provided. Please provide the existing and proposed impervious surface area within the 100-foot Buffer Zone.") ; with her two new data requests in Items 1 and 2 of her email coupled with the above six plus missteps, this proponent must provide details. Therefore again we request the thoughtful details (awnings, pole light bases, walkways etc) originally requested and detailed in residents July 2, 2020 letter to the NRC et al for a separate verification if we choose and for the staff of the Town to examine. Please gather that information as requested from the proponent for any independent analysis if pursued in addition to the requested Engineering Department's analysis detailed earlier.

The NRC failed to highlight the greater majority of this at its July 22, 2020 meeting causing residents to wonder if our input is being seriously considered and also about the validity of the process in which we are currently engaged. This data was requested subsequent to the meeting as detailed above as best we can determine. Why does it seem to us that the Town is prematurely and overwhelmingly supportive of this project with so many outstanding questions still causing confusion and the resulting possibility that the proposal may fail scrutiny?

Therefore this Chase Bank-CoreStates project must be suspended as requested until a proper review is completed by the Town and any residents or independent organizations that choose to do so. The NRC needs to look into this matter with urgency and to pause this project from advancing with so many open questions still existing causing confusion. Again, the project must be removed from the September 2, 2020 agenda.

Most importantly this location, 1134 Main Street, is being examined by the Town of Concord as an Eminent Domain opportunity to be transformed into a park for residents particularly given the above details. The Town of Concord Selectmen have been contacted and are currently examining this matter and have committed to get back to residents. We are waiting for that response.

In conclusion, it is incumbent upon the NRC committee to adjourn this project until the above is addressed as well as the Planning Board and the Zoning Board of Appeals to postpone their hearings indefinitely on the matter forthwith.

The Town of Concord does not need another commercial bank for sure, particularly one of this size and of similar architecture situated where it is directly across the street from another massive commercial bank, TD Bank, and within our Wetlands. We do not need two hideous sentinels watching over the entrance to Baker Ave from Main Street. It makes no sense and the Town will be ridiculed for it. What our Town needs is a park in this neighborhood.

Sincerely,



Edward P. Sinni, Jr.

